

Minutes of the April 19, 2001 meeting  
Orange County Water District  
10500 Ellis Avenue  
Fountain Valley

1. Chair Withers called the meeting to order at 9:00 a.m.

Board Members Present

Board Members Absent

John Withers, Chair  
Carole Beswick, Vice-Chair  
Jose Solorio  
Seymour Van Gundy  
Frank Williams  
Fred Ameri

Staff Members Present

Gerard J. Thibeault, Executive Officer  
Kurt V. Berchtold, Assistant Executive Officer  
Robert L. Holub, Supervising Water Resource Control Engineer  
Joanne E. Schneider, Environmental Program Manager  
Robert L. Holub, Supervising Water Resource Control Engineer  
Mark G. Adelson, Chief, Surveillance and Enforcement  
Steven D. Mayville, Chief, Dairies  
Mark E. Smythe, Chief, Stormwater - Coastal Waters  
Adam P. Fischer, Environmental Specialist II  
David A. Bunting, Sanitary Engineering Technician Trainee  
Athar A. Khan, Water Resources Control Engineer  
Kamron Saremi, Associate Water Resources Control Engineer  
Pavlova N. Vitale, Environmental Specialist III  
Barbara Laffoon, Secretary

Legal Counsel

Phillip Wyels

Public Attendance

Reed L. Royalty, Orange County Taxpayers Association  
Kenn Coble, Pro Builder  
Rod Cruze, City of Riverside  
Don Sovie, C & M, LLP  
Geraldine Lucas, City of Huntington Beach  
Victor Leipzig, Orange Coast Watch  
Don Schulz, Surfrider Foundation  
Jim Colston, Orange County Sanitation District  
Dan DuCasse, Jurupa Community Services District  
Laura Davick, Alliance to Rescue Crystal Cove  
John Schoneveld, Bouma Dairy  
Michael Moore, Orange County Water District  
Anissa Voyiatzes, Psomas  
Jack Skinner, Stop Polluting Newport  
Steve Fuller, EPA, Region IX

2. Public Forum

Robert Feenstra, Milk Producers Council, spoke regarding the recent outbreaks of dairy animal diseases, and noted that there have been no outbreaks of the hoof-and-mouth disease in the U. S. Precautions are being taken in the Chino Basin area, the largest concentration of dairy animals in the world, to prevent such an outbreak.

3. Approval of Minutes of March 2, 2001 meeting

There being no additions or corrections, the minutes of the regular board meeting held on March 2, 2001 were approved as presented.

4. Approval of Consent Calendar Items

Executive Officer Thibeault requested that the items 8 (Renewal of Waste Discharge Requirements for the City of Rialto Wastewater Treatment Plant, Order No. 01-4) and 11 (Renewal of Waste Discharge and Producer/User Reclamation Requirements for the Yucaipa Valley Water District, Henry N. Wochholz Wastewater Treatment Plant, San Bernardino County (NPDES No. CA0105619), Order No. 01- 09 be postponed to the June 1, 2001 meeting.

Executive Officer Thibeault requested that items 5, 6, 7 with errata, 9, 10 with errata, and 12 be adopted:

- \*5. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal Use - Robert and Elvira Lenart, 9746 Manzanita Avenue, Alta Loma, San Bernardino County.
- \*6. Federal Fiscal Year (FFY) 2001 State Revolving Fund (SRF) Loan Program for the Santa Ana Region  
Resolution 01-51
- \*7. Amendment of Cleanup and Abatement Order No. 97-58 for Lockheed Martin Corporation  
Order No. 01-56
- \*9. Amendment of Waste Discharge Requirements for the City of Riverside's Regional Water Quality Control Plant, Riverside County (NPDES No. CA0105350) Order No. 01-44
- \*10. Renewal of Waste Discharge Requirements for Jurupa Community Services District, Indian Hills Water Reclamation Facility, Riverside County (NPDES No. CA0106534) Order No. 01-6
- \*12. Resolution Regarding Funding from the State Water Resources Control Board (SWRCB) Emergency, Abandoned and Recalcitrant Account for former Caliber Investment Group Site, 3270 W. Lincoln, Anaheim and for former Circle K site, 5990 Limonite, Pedley  
Resolution No. 01-57

Action: It was moved by Board Member Beswick, seconded by Board Member Van Gundy, and unanimously carried to adopt consent items 5, 6, 7 with errata, 9, 10 with errata, 12 (combining items 12 and 13) as presented.

14. Presentation by the Orange County CoastKeeper

Garry Brown, Founder and Executive Director of Orange County CoastKeeper, presented videos showing their efforts with the kelp bed reforestation project along the coast and the National Geographic television presentation of their efforts.

15. Administrative Civil Liability Complaint (ACLC), City of Garden Grove ACLC No. 01-13  
EO Thibeault advised the Board that the City of Garden Grove had settled the complaint by waiving its right to a public hearing and paying the proposed liability.
16. Administrative Civil Liability Complaint, Balboa Bay Club (ACLC No. 01-35)  
  
EO Thibeault advised the Board that the Balboa Bay Club had settled the complaint by waiving its right to a public hearing and paying the liability proposed.
17. Administrative Civil Liability Complaint, Pacific Plastics, Inc. (ACLC No. 01-37)  
  
EO Thibeault advised the Board that Pacific Plastics, Inc. had settled the complaint by waiving its right to a public hearing and paying the liability proposed.
18. Administrative Civil Liability Complaint, John Bidart, Loyola Dairy #1 (ACLC No. 01-47)  
  
EO Thibeault advised the Board that there were due process issues requiring that this item be withdrawn and reissued for consideration at the June 1, 2001 meeting.
19. Administrative Civil Liability Complaint, Ben Goedhart, Vermeer & Goedhart Dairy #1 (ACLC No. 01-48)  
  
EO Thibeault requested that the Board postpone this item due to schedule conflict for the Discharger's attorney.
20. Administrative Civil Liability Complaint, John Schoneveld, dba Bouma Dairy (ACLC No. 01-49)

Information pertaining to this item is contained in a verbatim transcript.

Steve Mayville, Chief, Dairies & Chino Basin, presented background information regarding the facility and the Board's dairy regulatory program. Adam Fischer, ES II, presented a video taken when he and WRCE Khan visited the Bouma facility.

Robert Feenstra and Nathan deBoom, Milk Producers' Council, spoke on behalf of the discharger, John Schoneveld.

Discharger Schoneveld expressed thanks and appreciation to the Board but also noted his frustration with the Administrative Civil Liability Complaint, indicating that he was attempting to contain the runoff when Board Staff appeared.

Orange County Taxpayers Association representative, Reed Royalty, encouraged the Board to affirm the ACLC as presented by Board staff. He felt that the taxpayers of Orange County should not be expected to bear the burden of runoff from the Chino Basin area.

William Mills, Orange County Water District, also supported the issuance of the ACLC and asked the Board to affirm it.

Action: It was moved by Board Member Ameri and seconded by Board Member Williams that the Board adopt the staff report's discussion of the factors required to be considered by Water Code Section 13385(e) and adopt Complaint No. 01-49 with the following revision:

\$5,000 of the \$10,000 is due and payable within thirty (30) days of the date of this order; the remaining \$5,000 is suspended conditioned upon John Schoneveld's demonstration that he has spent an additional \$5,000 to prevent future discharges. If this demonstration is not made to the

satisfaction of the Executive Officer within sixty (60) days of the date of this order, the suspended \$5,000 shall become due and payable immediately.

It was requested that the Board be polled for the vote. The vote was: Aye-4 and No-2, Members Solorio and Williams dissenting. The motion passed.

#### Recess

The Board recessed at 12:00 and reconvened at 12:30 p.m.

21. Administrative Civil Liability Complaint, Patti Lekkerkerker ACLC No. 01-50

EO Thibeault requested that this item be postponed to June 1, 2001, due to a scheduling conflict with the attorney representing the discharger and noted that the right to a hearing within 60 days of the issuance of the complaint had been waived.

22. Update on Cease and Desist Order (CDO) No. 00-87, Crystal Cove

Mark Smythe, Chief of Storm Water, Coastal Waters, presented the outcome of the State Water Resource Control Board's review the Caltrans' appeal of CDO No. 00-87. The State Water Resources Control Board found that the Regional Board acted properly in issuing a cease and desist order to the Department of Transportation (Caltrans) for violations or threatened violations of the Ocean Plan.

23. Proposed Revision to Cease and Desist Order (CDO) No. 99-65 for Dairies and Related Facilities

Supervising Water Resource Control Engineer Robert Holub presented the background for Order No. 99-11 and CDO No. 99-65 for Dairies and Related Facilities, and the requirements that the facilities develop and fully implement Engineered Waste Management Plans (EWMPs) in specific time frames.

Due to vacancies existing on the Regional Board when CDO 99-65 was presented, a request was made by the Executive Officer that the State Water Resources Control Board take the matter up on its own motion. It did so on February 2, 2000.

In addition to the time to accomplish this, lack of availability of Board staff and adequate engineers to study and develop the EWMPs, many facilities have been unable to comply with the requirements.

Board staff proposed to prepare an item for the Board's consideration at the June 1, 2001, meeting that will extend the time schedule included in CDO No. 99-65.

24. Proposition 13 Public Process Update

Environmental Program Manager Joanne Schneider briefed the Board on the results of the public information meetings that were held to receive water quality issues for upcoming Proposition 13 grant proposals.

25. Orange County Sanitation District's Year 4 Strategic Process Studies

Mark Adelson presented the background information and proposed resolution for the Orange County Sanitation District's proposed Year 4 Strategic Process Studies.

Action: It was moved by Board Member Beswick, seconded by Board Member Solorio, and unanimously carried to adopt Resolution No. 01-52 as presented.

26. Water Quality Assessment for the Anaheim Bay/Huntington Harbour Complex

EO Thibeault advised that this information was included in the Agendas provided to the Board.

27. Shellfish Harvesting Beneficial Use Assessment Plan for Newport Bay

EO Thibeault requested that this item be postponed to the June 1, 2001, meeting.

27.A. Murdock Development Company, Corona Business Park,

Joanne Schneider briefed the Board concerning the Corona Business Park project proposed by the Murdock Development Company. Ms. Schneider indicated that part of the project entails substantial modification of St. Joseph's Wash, which triggers the need for a Clean Water Act Section 401 water quality standards certification by the Board. Ms. Schneider explained the basis for staff's denial of this certification. She indicated that staff had met with Murdock Development Company representatives and that there appeared to be agreement that a suitable alternative needed to be developed.

Frans Bigelow, Vice-President of Murdock Development Company, and Hardy Strozier, consultant to the Company, requested that the Board reconsider the certification denial and allow the Company time to identify an alternative before taking final certification action. There ensued considerable discussion about the effects of the denial on the Army Corp of Engineers 404 permit process.

The Board directed staff to work with Murdock representatives and other interested parties to resolve this matter in a timely manner and to explore the project schedule ramifications of the denial.

28. Public Workshop - Oversight and Prioritization of Underground Storage Tank Cases

EO Thibeault requested that this item be postponed to the June 1, 2001, meeting.

29. General Permits

Staff provided a list of all new permittees recently enrolled under the Region's general permits.

30. Hazardous Waste and Sewage Spill Incident Report

Staff provided the Board with a list of incidents occurring since those reported at the March 2, 2001, Board meeting.

31. Underground Storage Tanks Site Closure Report

Staff provided the Board with a list of the underground storage tanks site closures since September 1, 2000.

32. Underground Storage Tanks Corrective Action Plans

Staff provided the Board with a list of the corrective action plans for underground storage tanks since November 1, 2000.

33. Quarterly Violations Report

A list of violations was provided to the Board, as required by the State Water Resources Control Board's Water Quality Enforcement Policy.

34. Executive Officer's Report

All pertinent information was in the written report submitted in the Agenda.

35. Regional Board Member Communications

There was a question whether a list of Supplemental Environmental Programs (SEPs) could be created. EO Thibeault explained that creation of such a list was part of the discussion at the March 2, 2001, Board meeting in Corona.

Chair Withers inquired about the possibility of establishing unofficial "lead Board members" to become involved in specific Regional Board activities. Based on Members' discussion and Counsel Wyels' comments, the consensus did not support the suggestion.

36. Closed Session

There was none held.

37. Adjournment

The meeting was adjourned at 1:46 p.m. to the regular meeting of June 1, 2001, at 9:00 a.m., at the City Council Chambers of Loma Linda.

Respectfully submitted:

GERARD J. THIBEAULT  
Executive Officer

/bjl